

# EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

## PROJECT TITLE:

AN ORDINANCE Regulating  
For-Hire Vehicles and  
Repealing Ordinance 2297-98  
(chapter 5.68 EMC), as  
amended.

_____	Briefing
_____	Proposed Action
_____	Consent
<u>04/19/2017</u>	Action
_____	First Reading
_____	Second Reading
<u>04/19/2017</u>	Third Reading
<u>04/19/2017</u>	Public Hearing
_____	Budget Advisory

COUNCIL BILL #  
Originating Department  
Contact Person  
Phone Number  
FOR AGENDA OF

CB1701-06

Legal  
Katie Rathbun  
(425) 257-7007

Initialed by:  
Department Head  
CAA  
Council President

db  
jt

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
			Legal Police Clerk's Office

Amount Budgeted	-0-	
Expenditure Required	-0-	Account Number(s):
Budget Remaining	-0-	
Additional Required	-0-	

## DETAILED SUMMARY STATEMENT:

On February 8 this proposed for-hire ordinance was tabled and referred to the Public Safety Committee. Council requested the Committee consider several amendments to the ordinance. Below is a brief summary of the amendments:

- Expansion of definition of "taximeter" to charges to be measured digitally
- Authorization of TNCs to accept street hails
- A scaled for-hire license fee to provide a smaller fee for companies with up to 10 affiliated drivers
- Correction of the date of the mid-year from July 31 to June 30 (the date after which the license fee is reduced by half for that year)
- Authorization of companies to provide notice of its zero tolerance policy in affiliated vehicles if the company does not have a website
- Change to insurance requirements so that TNCs must have the same level of insurance as taxis while the TNC driver is logged into the TNC digital network, but before they have accepted a ride.
- Correction of a typo and non-substantive clarification in section 12.C.
- Addition of a new section providing for review of the ordinance at least once every five years.

With the exception of authorizing TNCs to accept street hails, the Public Safety Committee requested staff incorporate the amendments into the proposed ordinance and return to Council for a third and final reading and public hearing.

This proposed ordinance includes the amendments recommended by the Public Safety Committee plus some minor edits reflected in Council's discussions.

**RECOMMENDATION** (Exact action requested of Council): Adopt an Ordinance Regulating For-Hire Vehicles and Repealing Ordinance 2297-98 (chapter 5.68 EMC), as amended.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE Regulating For-Hire Vehicles and Repealing ~~the Existing For-Hire Ordinance 2297-98 (chapter 5.68 EMC), as amended Under Section 17.~~**

**Whereas**, current for-hire regulations (chapter 5.68 EMC) heavily regulate the taxicab industry with a framework focused on the safety and welfare of the general public; and

**Whereas**, the for-hire industry is rapidly changing with the introduction of transportation network companies (TNCs), a business model focused on transportation services that pairs riders with drivers through digital networks; and

**Whereas**, the city's for-hire regulations do not regulate TNCs; and

**Whereas**, the City Council finds that the city's for-hire regulations should be revised in a manner that TNCs and taxicab companies operate under an equivalent regulatory framework; and

**Whereas**, current regulations require significant hands-on regulation that, if they included TNCs, would substantially burden city resources without substantially improving public safety; and

**Whereas**, with the entry of TNCs into the for-hire market, the need for substantial city hands-on regulation has diminished and it is appropriate for the city to reduce its role in enforcing regulations of the for-hire industry and to largely shift the responsibility for regulatory compliance to the for-hire industry by requiring the for-hire industry to comply with and certify their compliance with a regulatory framework focused on safety; and

**Whereas**, City Council finds it appropriate to repeal chapter 5.68 EMC and adopt a new for-hire ordinance that will regulate taxicab companies and TNCs, and reduce industry-wide city regulatory requirements while maintaining a strong focus on the health, safety, and welfare of the general public;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

## **Section 1. Purpose**

The purpose of this chapter is to address the regulation of taxicab companies and transportation network companies (TNC's), which constitute an important component of the city's transportation system, thus affecting the safety and welfare of the general public.

## **Section 2. Definitions**

The following words and phrases when used in this chapter have the meanings as set forth herein:

- A. "City" means the city of Everett, a municipal corporation.
- B. "City clerk" means the city clerk for the city of Everett or the city clerk's designee.
- C. "EMC" means the Everett Municipal Code as enacted or subsequently amended.
- D. "Operating a taxicab company in the city" means a taxicab company connects a taxicab driver to a passenger by any means, including without limitation, through a dispatch system, digital network, or through a customer hail of a taxicab, for a trip originating in the city.
- E. "Operating a taxicab or TNC vehicle" means using a taxicab or TNC vehicle to transport any passenger or item of property for compensation from a point originating in the city.
- F. "Operating a TNC in the city" means a TNC uses its digital network to connect a TNC driver to a passenger for a trip originating in the city.
- G. "Person" and "he" and "she" means and includes any natural person, and in addition, a partnership, corporation, an unincorporated association, or a legal entity, unless a contrary intention plainly appears.
- H. "For-hire license" means a license issued to a taxicab company or TNC pursuant to this Ordinance.
- I. "Taxi," "taxicab" and "cab" means a motorized vehicle that is held out to the public as providing transportation to passengers or property:
  - 1. Where the route traveled, destination, or both route and destination is controlled by the passenger; and

2. Where the fare is based on an amount recorded and indicated on a taximeter or a digital network used to connect passengers with drivers or by a special contract rate. A TNC vehicle is not a taxicab.

J. "Taxicab company" means any person operating one or more taxicabs other than or in addition to as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.

K. "Taxicab driver" means a driver who uses a taxicab to transport passengers or property for compensation and that transportation is arranged through a taxicab company.

L. "Taximeter" means a device by which the charge for hire of a taxicab is mechanically and/or ~~electronically~~ digitally measured or calculated based upon a combination of mileage traveled and time elapsed.

M. "Transportation Network Company" or "TNC" means a company that connects passengers with TNC drivers solely through a digital network. Additionally, TNC drivers use only personal vehicles to transport passengers for compensation between geographical points chosen by the passenger.

N. "TNC driver" means a driver who uses a personal vehicle to transport passengers or property for compensation and that transportation is arranged through a TNC's digital network.

O. "Transportation network company vehicle" or "TNC vehicle" means a personal motorized vehicle affiliated with or operating under the authority of a TNC where the fare is based on a digital network used to connect passengers with TNC drivers. A taxicab is not a TNC vehicle.

P. "Violations hearing examiner" means the office of the violations hearing examiner created pursuant chapter 1.20 EMC.

### **Section 3. Everett business license required**

A. Each taxicab company and TNC must have a current and valid city business license issued pursuant to chapter 3.24 EMC to operate in the city.

B. Any TNC driver or taxicab driver who is an independent contractor affiliated with a TNC or taxicab company, must have a current and valid city business license issued pursuant to chapter 3.24 EMC to operate in the city.

### **Section 4. For-hire license required**

A. Each taxicab company and TNC must have a valid and current for-hire license to operate in the city.



B. The city clerk may issue a for-hire license to a taxicab company or TNC provided that the taxicab company or TNC submits, on a form provided by the city, an affidavit sworn under penalty of perjury that the taxicab company and its affiliated taxicab drivers or the TNC and its affiliated TNC drivers are in full compliance with this Ordinance, including without limitation, standards for vehicle safety, driver training and background, and insurance requirements.

C. Upon the submittal of a for-hire license application, the taxicab company or TNC shall submit a current list of drivers affiliated with the taxicab company or TNC who will be operating in the city pursuant to this Ordinance.

D. The for-hire license shall be effective for one year. The license shall expire on December 31 of each year in accordance with EMC 5.04.040.B.

E. The annual for-hire license fee shall be based on the number of taxicab or TNC drivers affiliated with the for-hire license applicant that will be operating a taxicab or TNC vehicle in the city. ~~be one thousand dollars (\$1000.00) and must be paid in full at the time of submitting a for-hire license application.~~ In accordance with EMC 5.04.040.B, after ~~July 31~~ June 30 of each year, the for-hire license fee shall be reduced by fifty percent (50%) ~~five hundred dollars (\$500.00).~~ For-hire license fees shall be as follows:

1. One (1) to ten (10) affiliated drivers-- \$500.00.
- ~~E.~~2. More than ten (10) affiliated drivers - \$1,000.00.

F. The for-hire license will only become valid and effective when the city clerk has reviewed and approved the for-hire license application and the fee prescribed in this section has been paid.

## **Section 5. Taxicab and TNC driver requirements**

A. In addition to other requirements set by this Ordinance or law, taxicab and TNC drivers shall comply with the following:

1. Only operate a taxicab or TNC vehicle for, or in affiliation with, a taxicab company or TNC that has a valid and current for-hire license issued pursuant to this Ordinance;
2. Be at least twenty-one (21) years old;
3. Have and hold in their possession a valid driver's license as required by the State of Washington;
4. Have held a valid driver's license in the United States for one (1) year immediately preceding the date authorized to drive for the affiliated taxicab company or TNC;

5. Have in force and hold in their possession any required vehicle registration(s) and documentation of automobile liability insurance required pursuant to section 9 of this Ordinance;

6. Have and hold in their possession a copy of their Everett business license issued pursuant to chapter 3.24 EMC.

7. Have not been convicted of, or been granted a deferred prosecution for, one (1) or more of the following crimes, or a crime in another jurisdiction including those outside of the state of Washington that is the substantial equivalent of any of the following crimes, during the previous seven (7) years:

a. Driving under the influence of an intoxicating liquor or any drug, or being in physical control of a vehicle while being under the influence of intoxicating liquor or any drug, or other alcohol or drug-related driving violation;

b. Reckless or negligent driving in the first degree;

c. Hit and run;

d. Assault or a violent, or serious violent offense;

e. Harassment as defined by EMC 10.23.050, but not including the crimes of First Degree Criminal Trespass, Second Degree Criminal Trespass, Criminal Mischief, or Interference with Property;

f. Gun-related violation;

g. Sexual offense;

h. Resisting arrest or attempting to elude a law enforcement officer;

i. Any felony;

j. Crimes involving fraud;

k. Crimes involving theft.

8. Are not required to be a registered sex offender; and

9. Have not been convicted of or found to have committed three (3) or more moving violations during any twelve (12) month period during the previous three (3) years. The twelve (12) month period will run from the date the driver was found to have committed the moving violation, not the date the incident occurred, if those dates are different.

## **Section 6. Taxicab company and TNC requirements**

A. In addition to other requirements set by this Ordinance or law, each taxicab company and TNC must comply with the following:

1. Affirm that it and each person driving for the company meets all requirements set forth in this Ordinance based on a review of documented evidence collected by the company, and
2. Prior to permitting a person to act in the capacity of a taxicab or TNC driver, and annually thereafter, obtain and review a criminal background check report for such person. The criminal background check shall include a search of no less than seven years prior to the date of the current criminal background check. The criminal background check shall include a search of local, state, and national criminal history databases and national and state sex offender registries.
3. Implement and enforce a zero tolerance policy on the use (including prohibiting being under the influence) and possession of drugs (including without limitation, marijuana) or alcohol while operating a taxicab or TNC vehicle that is applicable to all taxicab and TNC drivers. Each taxicab company and TNC must provide notice of the zero tolerance policy on its website, or if the taxicab company or TNC does not have a website-and in each taxicab or TNC vehicle, as well as the procedures to report a complaint. The taxicab company or TNC must immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy. The suspension shall last the duration of the investigation. The investigation must include the collection and analysis of evidence in a manner that a reasonable person would find is likely to produce true and reliable results.
4. Revoke and deny a taxicab or TNC driver's authority to drive for the taxicab company or TNC if it finds that any driver requirement set forth in this Ordinance is no longer being met by the driver, and only reinstate his/her authority to drive for the company upon a finding by the company that all standards are again being met.

## **Section 7. Vehicle requirements**

A. No TNC or taxicab vehicle may be more than ten (10) years old, provided that vehicles otherwise in compliance with this Ordinance, shall have two years from the effective date of this Ordinance to comply with this Section.

B. A taxicab and TNC vehicle must have a minimum of four doors, with two doors opening directly into the passenger seating area.

C. Taxicab vehicles using a taximeter to calculate a passenger's fare shall be inspected for accuracy by an independent party not employed by or associated with the taxicab company or any driver authorized to operate the taxicab vehicle in question

within one (1) year prior to the taxicab company's for-hire license application submittal date each year.

D. Safety Inspection. Each taxicab and TNC vehicle operating in the city must hold a valid certificate of safety issued by an independent motor vehicle mechanic not employed by or associated with a taxicab company or TNC or any driver authorized to operate the vehicle in question, and who is a certified National Institute of Automotive Service Excellence (ASE) Master Mechanic in good standing with the ASE. Said certificate shall be based on the vehicle passing a vehicle safety inspection that meets the standards set forth below, and is performed within one (1) year prior to the taxicab company/TNC for-hire license application submittal date each year.

E. Inspection Standards. At a minimum, each vehicle inspection required pursuant to subsection A of this Section must consist of a confirmation of the safe operation of applicable vehicle systems and equipment, and a review of the vehicle's exterior and interior condition and cleanliness. The inspection shall include, but is not limited to, a check of the following systems and equipment:

1. Correction of any and all applicable motor vehicle recalls
2. Brake system
3. Alignment
4. Tires and wheel systems
5. Suspension
6. Steering system
7. Transmission
8. Fuel system
9. Exhaust system, compliance with emission standards
10. Belts and hoses
11. Fluids (motor oils, antifreeze, transmission and brake fluids)
12. Heater and air conditioning
13. Drive train and axles
14. Lighting systems and turn signals
15. Seat mechanisms and seat belts
16. Airbags
17. Door locks and windows
18. Hood and trunk latches
19. Speedometer and other gauges
20. Battery and cables
21. Cooling system
22. Horn
23. Wiring
24. Glass
25. Windshield and window glazing
26. Wipers and washers
27. Mirrors
28. Body component soundness



## 29. Vehicle frame (rebuilt vehicle)

F. Company Identification. While in service in the city, each taxicab and TNC vehicle shall be clearly marked to allow a passenger, governmental official or employee, or other member of the public to associate the vehicle with a licensed taxicab company or TNC, whichever applies, using uniform colors, markings and/or insignia that are in compliance with all other applicable federal, state, and local laws and regulations. At a minimum, a person shall be able to associate the vehicle with a licensed taxicab company or TNC by viewing the front and rear of the vehicle.

### **Section 8. Operational requirements**

A. While in service in the city, TNC drivers shall only transport passengers who have arranged transportation through a TNC's digital network and shall not solicit or accept street hails by persons seeking transportation.

B. TNC drivers may only transport passengers in the driver's personal vehicle.

C. A taxicab may be lawfully hailed by a passenger.

D. Taxicab vehicles using a taximeter to record a passenger's fare must provide the taxicab rates in a conspicuous area of the vehicle that is visible to passengers.

E. Taximeters used by taxicab vehicles must be placed in a conspicuous area of the vehicle that is visible to passengers.

F. Taximeters used by taxicab vehicles must accurately measure the rate advertised as required by subsection D of this section.

G. Taxicab vehicles using a taximeter to record a passenger's fare must display the taxicab's license plate number, the name of the taxicab company the taxicab is affiliated with, a photograph of the taxicab driver taken within the previous year, and the driver's first and last name. This information must be placed in a conspicuous area of the vehicle that is visible to passengers.

H. Prior to initiating the ride, each TNC and taxicab company using a digital network to secure the ride, must disclose up-front the estimated cost of the ride to the potential passenger through the company's digital network.

I. If not using a digital network to secure the ride, upon the request of a potential taxicab passenger, and prior to initiating a ride, the taxicab driver providing the ride shall disclose the estimated cost of the ride to the potential passenger.

J. Whenever demanded by the passenger, the driver of a taxicab or TNC vehicle shall deliver to the passenger at the time of payment, a written receipt of payment. The taxicab or TNC driver may provide an electronic or paper receipt. This receipt shall

contain the name of the taxicab company or TNC and its contact information, the name of the driver, any and all items for which a charge is made, the total amount paid, and the date of payment.

K. The TNC or taxicab company using a digital network to secure the ride must display for the passenger, through its digital network, the first name and photograph of the TNC or taxicab driver as well as the make, model, and license plate number of the TNC or taxicab vehicle.

L. Taxicab companies and TNCs may initiate dynamic market pricing if each passenger receives express written notice through the taxicab company's or TNC's digital network, or through an official taxicab company statement if no digital network is used to secure the ride, prior to the passenger accepting the ride. During periods of abnormal market disruptions, however, taxicab companies and TNCs companies may not initiate dynamic market pricing. For the purpose of these rules, "abnormal market disruptions" is defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, natural disasters, failure or shortage of electric power or other source of energy, strike, civil order, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in a declaration of a state of emergency by the Mayor of the city, or the governor of the State of Washington. "Dynamic market pricing" is defined as a pricing strategy that sets highly flexible prices for products or services based on current market demands.

## **Section 9. Insurance**

A. Each TNC and TNC driver must comply with the automobile liability insurance requirements contained in chapter 48.177 RCW (as enacted or subsequently amended). Provided, regardless of language in chapter 48.177 RCW to the contrary, the primary automobile insurance policy required at all times the driver is logged into a TNC's digital network (but before a driver accepts a requested ride through the digital network) must, at a minimum, include the following policy limits:

1. One hundred thousand dollars for any recovery for death or personal injury by one person;

2. Three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence; and

3. Thirty thousand dollars for damage to property of any person other than the insured.

B. The insurance coverage required for each TNC and TNC driver pursuant to this section can be satisfied alternatively by securing coverage pursuant to chapter 46.72 or 46.72A RCW that covers the TNC vehicle operating in the City pursuant to this Ordinance. This coverage must be in effect twenty-four hours per day, seven days per week.

C. Each taxicab company and taxicab driver must comply with the surety and automobile liability insurance requirements contained in chapter 46.72 RCW as enacted or subsequently amended.

D. Each taxicab and TNC driver shall maintain within his or her motor vehicle proof of insurance satisfying the requirements of this chapter. Such proof may be provided electronically.

#### **Section 10. Registered agent required**

Each taxicab company and TNC must maintain a registered agent for service of process in the State of Washington. The name, telephone number, and physical address of the registered agent shall be submitted to the city at the time of the license application. The taxicab company and TNC must notify the city in writing of any changes to its registered agent within seven (7) days of such change.

#### **Section 11. Audit**

A. Unless the city determines there are problems that merit additional audits, then not more than twice per calendar year, the city may audit each taxicab company's and TNC's records to review compliance with this Ordinance. Each audit will be limited to records relating to no more than twenty (20) randomly selected taxicab or TNC drivers operating a taxicab or TNC vehicle pursuant to this Ordinance. Drivers shall be randomly selected by the city. In the event the audit reveals discrepancies in the records reviewed, the city may, in its sole discretion, audit all of the taxicab company's and TNC's records related to taxicab or TNC drivers operating in the city and compliance with this Ordinance.

B. For the purpose of the random selection of drivers for an audit pursuant to subsection A, upon the request of the city, a taxicab company or TNC shall, within five working days, provide the city a complete list of all drivers currently affiliated with the taxicab company or TNC and operating a taxicab or TNC vehicle pursuant to this Ordinance.

C. Each taxicab company and TNC must retain records providing evidence of compliance with this Ordinance for a minimum of six (6) years from effective date of their current for-hire license. Such records shall include, but are not limited to, driver's criminal and driving histories, vehicle inspection reports, proof of insurance for taxicab companies, TNCs, and their affiliated drivers, and records of all trips made by all drivers.

D. The audit shall occur at City Hall, 2930 Wetmore Avenue, Everett, Washington; provided that the city may in its discretion agree to an alternative location.

E. Notwithstanding the foregoing, the city may require each taxicab company and TNC to produce records at any time to investigate a specific complaint regarding compliance with this chapter.

## **Section 12. Revocation, suspension, or denial of for-hire license**

A. A for-hire license may be revoked, suspended, or denied by the city clerk for any of the following reasons:

1. Failure to meet or maintain any of the requirements or qualifications set forth in this Ordinance;
2. A materially false statement contained in the application for the license;
3. Any violation of this Ordinance, including any violation by a taxicab or TNC driver affiliated with the for-hire license holder, whether or not the for-hire license holder knew or should have known of the violation;
4. Any violation of any other applicable federal, state, or city licensing or permit requirements.

B. Prior to any revocation, suspension, or denial of a taxicab company or TNC license, the city shall inform the license holder or applicant in the case of a denial, of their right to a hearing. Such hearing, if requested, shall be conducted prior to the implementation of any revocation, suspension, or denial.

C. A revocation of a taxicab or TNC license shall be effective for one year from the date the revocation becomes final and no taxicab company or TNC subject to the revocation may obtain a for-hire license during the one-year revocation. Following the one year revocation and consistent with this Ordinance, athe taxicab company or TNC C; may obtain a for-hire license.

## **Section 13. Appeals**

Within 15 calendar days after a notice of revocation, suspension, or denial of a for-hire license issued or denied pursuant to this Ordinance, the license holder/applicant of the revoked, suspended, or denied license may file a notice of appeal with the violations hearing examiner. The notice of appeal must be in writing, signed by a person authorized to make it, and must explain the grounds for the appeal. The notice of appeal must be addressed to the violations hearing examiner, "ATTENTION: City Clerk." Notice of the appeal hearing shall be given by delivering a copy of the hearing notice to the license holder or by mailing a copy thereof to the license holder at his last address as shown by the city clerk's license records, and the notice will be mailed or delivered at least five days before the date fixed for the hearing. The violations hearing examiner may affirm, reverse, or modify the decision of the city clerk. The hearing shall be in accordance with chapter 1.20 EMC and the violations hearing examiner's rules of



procedure, if any. Where a provision of chapter 1.20 EMC or the rules of procedure conflict with this Ordinance, this Ordinance controls. The decision of the violations hearing examiner will be final. The decision of the violations hearing examiner may be appealed to Snohomish County Superior Court within 15 calendar days of the date of the decision.

#### **Section 14. Enforcement**

The city clerk shall have administrative authority to implement and enforce this ordinance. The city clerk may promulgate regulations not inconsistent with this Ordinance. By way of example, the city clerk may issue administrative subpoenas to implement the provisions of this chapter. The Everett police department shall have authority to enforce any provision of this ordinance, and nothing in this section shall be construed to abrogate or limit the jurisdiction of the Everett police department.

#### **Section 15. Violations – Penalties**

A. It is a violation of this Ordinance to fail to comply with or to be in conflict with any provision of this Ordinance. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

B. The person operating a taxicab company or TNC is also in violation of this Ordinance if the city notifies the taxicab company or TNC of a violation of this Ordinance committed by the taxicab company's or TNC's affiliated driver and the taxicab company or TNC fails to cure the violation within fifteen (15) days.

C. Pursuant to chapter 7.80 RCW, a person who violates this Ordinance for the first time in one twelve month period shall be deemed to have committed a class 1 civil infraction with a two hundred and fifty dollar penalty exclusive of statutory assessments.

D. Any person who violates any provision of this chapter two or more times in one twelve month period shall be guilty of a misdemeanor, and upon conviction of any such violation, such person shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than ninety days, or both such fine and imprisonment. This subsection applies even if different provisions of this Ordinance are violated.

E. Any violation of any provision of this chapter constitutes a public nuisance which the city can abate by an action in county superior court. The costs of such action shall be taxed against the violator.

F. Penalty and enforcement provisions provided in this chapter are not exclusive, and the city may pursue any remedy or relief it deems appropriate.

## **Section 16. Effective date**

Pursuant to section 3.4 of the City of Everett Charter, this ordinance will become effective upon 15 days after it is valid, except that a company subject to this Ordinance with a valid and current for-hire business license at the time this Ordinance becomes effective shall not be required to comply with section 4 of this Ordinance until such company's current for-hire license expires. Upon the expiration of such company's current for-hire business license and no later than August 1, 2017, the company shall comply with section 4 of this Ordinance in its entirety to continue to lawfully operate the company in the City. Notwithstanding the foregoing, a company with a valid and current for-hire business license at the time this Ordinance becomes effective, which the City revokes or suspends subsequent to the effective date of this Ordinance, shall be required to fully comply with section 4 of this Ordinance to thereafter lawfully operate in the City.

## **Section 17. Review**

At least once every five years, staff will brief the City Council on the City's experience with this Ordinance (as it now exists or is subsequently amended) to determine whether it reflects the current needs and desires of the City in relationship to the regulation of the for-hire industry.

## **Section 187. Repealer**

Ordinance 2297-98 (chapter 5.68 EMC), as amended, is hereby repealed, including all ordinances in conflict herewith.

## **Section 198. Severability**

Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

## **Section 2019. General duty**

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any

liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

| **Section 2~~10~~. Savings**

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

| **Section 22~~1~~. Corrections**

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

\_\_\_\_\_  
Ray Stephanson, Mayor

ATTEST:

\_\_\_\_\_  
CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_